

# American Academy of Pediatrics



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October 12, 1995

Office of the Secretary  
Federal Communications Commission  
Washington, D.C. 20554

RE: MM Docket No. 93-48

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Dear Commissioners:

On behalf of the American Academy of Pediatrics (AAP), I am pleased to respond to the Notice of Proposed Rule Making regarding the Children's Television Act (CTA). The Academy represents over 49,000 pediatricians dedicated to the health, safety and well-being of infants, children, adolescents and young adults. We worked for over a decade with concerned members of Congress and other child advocates to have the CTA enacted. We believe the mandate that the broadcaster provide programs of educational and instructional benefit to children as a condition for license renewal constitutes the most significant advance in children's television in more than a decade. However, five years after the CTA was enacted, children are still not being well served by most of the programs currently offered by broadcasters.

The Academy applauds the FCC for exploring how the rules and policies concerning the CTA might be revised to more clearly identify the levels and types of programming necessary for broadcasters to meet their obligation. We hope that the following comments will aid you in your deliberations.

## INFORMATION FLOW TO THE PUBLIC

The Academy supports efforts that provide parents the information they need to make television viewing choices for their children. The FCC proposal to require broadcasters to identify educational programming in television guides, as well as improve the quality of, and public access to the information is a worthy goal. We agree with the proposed icon (and a brief script for those wanting additional information, such as age-appropriateness) to quickly identify appropriate programming, but the key to its usefulness lies in deciding what criteria a program would have to meet in order to receive the icon. The Academy believes a definition of educational and informational programming should be established so that each program receiving an icon has met consistent guidelines. We are pleased to offer the FCC our proposed definition of educational and informational programming later in our comments.

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One issue we would like to caution you about is your judgment in the proposed rules on the quality of a licensee's programming as being best made by the audience, not by the federal government. We all agree that the power to choose needs to rest with the parents, but everyday reality reflects a different attitude. Most parents are not sitting with children as they watch and many parents do not review published descriptions. The children who have parents interested and involved may well profit from the icon/television guide plan. However, parents who may be young, less educated and working long hours might not read or see this information about what is best for their children to view. The abdication of the federal government in this role would quite likely harm the children most in need of this protection.

### DEFINITION OF "EDUCATIONAL AND INFORMATIONAL"

The CTA will never be truly effective unless the definition of educational and informational programming is more narrowly defined. The Academy offers the following:

"Educational and informational programming for children is age-appropriate, multicultural, non-commercial, non-violent, non-sexist material that provides children information about the world in which they live, such as respect and responsibility. Situation comedies and hour-long detective shows do not qualify as child-appropriate programming under the CTA."

In addition, the Commission seeks comments on whether core program hours should include 6 a.m. - 7 a.m. The Academy believes core program hours should start at 7 a.m., since, given the opportunity, broadcasters would probably air their core programming at a less costly hour when very few children would be watching, i.e., 6 a.m. If the FCC ultimately chooses to include the 6 a.m. hour, then you should severely limit the percentage of a station's total core programming that may be shown during that hour. We also think the standard length for core programming should be at least a half-hour in length, rather than a minimum of 15 minutes.

### MONITORING

Although increasing public access to information and clarifying the definition of educational and informational are necessary, they alone will not significantly increase the amount of children's television programming. A programming standard (for example, a requirement of at least one hour per day) is needed to motivate broadcasters to create and air quality shows. Therefore, the option of monitoring the amount of broadcasted programming for a specified time after increasing public access to information and clarifying what's educational, is not acceptable to the Academy. If and when a programming standard or "safe harbor" guideline is established, the FCC should regularly monitor its effectiveness.

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### PROGRAMMING STANDARD

As the FCC has learned during review of license renewals, broadcasters are successful in complying with limits on commercial minutes because the amount of commercials allowed per hour is clearly defined. We strongly urge you to require that broadcasters air at least 7 hours per week, one hour per day, of educational programs for children. Broadcasters will know what is expected of them, and parents and children will have additional viewing options specifically designed to enrich the lives of the child audience.

### SUNSET CLAUSE

If a processing guideline or a programming standard is adopted by the FCC, the Commission wanted comments on whether the regulation should be sunsetted by December 31, 2004. Such a measure, according to the FCC, would ensure that the Commission undertakes a review of either type of regulation before that date. The Academy believes it is necessary to always review the progress of any imposed guideline or rule. However, in our experience, sunset clauses usually indicate the end of a rule. We want any programming standard that is adopted to be permanent. The FCC should even consider forgoing a sunset clause and establish an ongoing evaluation method.

### PROGRAM SPONSORSHIP CONCEPT

And last, but not least, if a processing guideline or a programming standard is adopted by the FCC, stations should not be permitted to meet some of their requirement by sponsoring a program on another station. Shifting responsible programming to fewer stations limits the chances of children viewing more appropriate television on the channels they habitually tend to watch. If you decide to move ahead with the sponsorship concept regardless of our views, then we suggest that two conditions be applied: a. the sponsorship is a small percentage of the total amount of hours required. For example, if the broadcasters are required to air 7 hours per week, 1 hour could be sponsored on another station, and, b. the sponsorship financially benefits the second station that actually airs the program.

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CONCLUSION

The Federal Communications Act of 1934 gives broadcasters free and exclusive use of broadcast channels on the condition they serve the "public interest." For years, the broadcasters have made use of the public's free gift to rake in billions of dollars, often at the expense of children. Parents and children need the protection the FCC can offer. Otherwise, broadcasters will continue to promote programs that merely sell toys.

The Children's Television Act constitutes one of the few times the public has asked for something in return. The FCC should remain committed to seeing that broadcasters meet their end of the bargain by carrying out the Academy's modest recommendations.

Thank you again for this opportunity to offer our opinions.

Sincerely,

*George D. Comerai, MD*

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President